

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re	: Chapter 9
	:
CITY OF DETROIT, MICHIGAN,	: Case No. 13-53846
	:
Debtor.	: Hon. Steven W. Rhodes
	:
-----X	:

***EX PARTE* MOTION OF THE CITY OF DETROIT FOR ENTRY OF AN  
ORDER AUTHORIZING IT TO FILE A RESPONSE IN OPPOSITION  
TO SYNCORA’S MOTION TO EXCLUDE THE TESTIMONY OF  
THE CITY’S FORECASTING EXPERTS UNDER FEDERAL  
RULE OF EVIDENCE 702 IN EXCESS OF PAGE LIMIT**

The City of Detroit, Michigan (the “City”), as the debtor in the above-captioned case, hereby moves the Court for the entry of an order authorizing the City to file its Response in Opposition to Syncora’s Motion to Exclude the Testimony of the City’s Forecasting Experts Under Federal Rule of Evidence 702 (“Response”) in excess of the 25-page limit for response briefs imposed by Rule 7.1(d)(3)(A) of the Local Rules for the United States District Court for the Eastern District of Michigan.

### **Jurisdiction and Venue**

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

### **Relief Requested**

2. By this *ex parte* motion, the City seeks an order authorizing it to file its Response in excess of 25 pages.

### **Basis for Relief**

3. On August 22, 2014, Syncora Capital Assurance Inc. and Syncora Guarantee Inc. (“Syncora”) filed a sixty-page Motion To Exclude the Testimony of the City’s Forecasting Experts Under Federal Rule of Evidence 702. Through this combined motion, Syncora seeks to exclude the testimony of three of the City’s expert witnesses: Dr. Robert Cline, Caroline Sallee, and Gaurav Malhotra.

4. The City submits that it requires more than 25 pages to respond to Syncora’s omnibus, sixty-page motion seeking to exclude the testimony of Dr. Cline, Ms. Sallee, and Mr. Malhotra. Accordingly, the City respectfully requests that it be (a) granted relief from the page limit imposed by Rule 7.1(d)(3)(A) and (b) permitted to file its Response in excess of 25 pages.

WHEREFORE, the Debtor respectfully requests that this Court:

(i) enter an order substantially in the form attached hereto as Exhibit 1, granting the relief sought herein; and (ii) grant such other and further relief to the Debtor as the Court may deem proper.

Dated: August 27, 2014 Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY OF DETROIT

## **SUMMARY OF ATTACHMENTS**

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

Exhibit 1	Proposed Form of Order
Exhibit 2	None [Motion Seeks <i>Ex Parte</i> Relief]
Exhibit 3	None [Brief Not Required]
Exhibit 4	Certificate of Service
Exhibit 5	None [No Affidavits Filed Specific to This Motion]
Exhibit 6	None [No Documentary Exhibits Filed Specific to This Motion]

## **Exhibit 1**

**UNITED STATES BANKRUPTCY COURT  
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SOUTHERN DIVISION**

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**EX PARTE ORDER AUTHORIZING THE CITY OF DETROIT TO  
FILE A RESPONSE IN EXCESS OF PAGE LIMIT**

This matter coming before the Court on the *Ex Parte* Motion of the City of Detroit for Entry of an Order Authorizing It To File a Response in Opposition To Syncora's Motion To Exclude the Testimony of the City's Forecasting Experts Under Federal Rule of Evidence 702 In Excess of Page Limit (the "Motion"),<sup>1</sup> filed by the City of Detroit, Michigan (the "City"); and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED THAT:**

The Motion is GRANTED.

The City may file its Response in excess of 25 pages.

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<sup>1</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

## **Exhibit 4**



### Certificate of Service

I hereby certify that, on August 27, 2014, I electronically filed the *Ex Parte Motion of the City of Detroit for Entry of an Order Authorizing It To File A Response in Opposition To Syncora's Motion To Exclude the Testimony of the City's Forecasting Experts Under Federal Rule of Evidence 702 In Excess of Page Limit* with the Clerk of the Court which sends notice by operation of the Court's electronic filing service to all ECF participants registered to receive notice in this case.

Dated: August 27, 2014

/s/ Heather Lennox

Heather Lennox